

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TEXAS STATE LULAC;
VOTO LATINO,

Plaintiffs,

v.

BRUCE ELFANT, in his official capacity as
the Travis County Tax Assessor-Collector, et
al.,

Defendants.

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Civil Action No: 1:21-cv-00546-LY

**DEFENDANT LISA WISE’S RESPONSE TO TEXAS ATTORNEY GENERAL
KEN PAXTON’S MOTION TO INTERVENE**

Defendant Lisa Wise, in her official capacity as the El Paso County Elections Administrator (“Defendant Wise”), submits this response to the Motion to Intervene (the “Motion”) filed by Texas Attorney General Ken Paxton (the “Attorney General”) on August 12, 2021 (ECF No. 53).

Defendant Wise does not object to the intervention of the State of Texas in this case challenging the constitutionality of Senate Bill 1111, because 28 U.S.C. § 2403(b) provides that the Court “shall permit the *State* to intervene” in an action “to which a State or any agency, officer, or employee thereof is not a party” and “wherein the constitutionality of any statute of that State affecting the public interest is drawn in question” (emphasis added). Thus, to the extent the Attorney General’s motion is construed as a request for the State of Texas (as opposed to the Attorney General) to intervene, Defendant Wise does not oppose the Motion.

However, the Motion lacks clarity, indicating that it may be seeking intervention by the Attorney General rather than the State. While the Motion’s reasoning is based wholly on

Section 2403(b) and the Motion states that it should be granted because Section 2403(b) provides for mandatory intervention by “the State,” ECF No. 53 at 2, the Motion seeks intervention by the Attorney General in his official capacity, not the State of Texas, *id.* at 1. This is contrary to Section 2403(b), which allows “the State” to intervene in these circumstances.

Accordingly, Defendant Wise objects to the Motion to the extent that the Attorney General seeks to intervene himself (as neither Section 2403(b) nor the Motion supports such intervention) but does not oppose intervention by the State of Texas.

Dated: August 26, 2021

Respectfully submitted,

/s/ Kathleen Hartnett

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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2021, **DEFENDANT LISA WISE'S RESPONSE TO TEXAS ATTORNEY GENERAL KEN PAXTON'S MOTION TO INTERVENE** was served through the Court's CM/ECF Document Filing System upon each attorney of record.

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